

No. 17-1351

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, a project of the Urban Justice Center, Inc., on behalf of itself; HIAS, INC., on behalf of itself and its clients; MIDDLE EAST STUDIES ASSOCIATION OF NORTH AMERICA, INC., on behalf of itself and its members; MUHAMMED METEAB; PAUL HARRISON; IBRAHIM AHMED MOHOMED; JOHN DOES #1 & 3; JANE DOE #2,

*Plaintiffs – Appellees,*

v.

DONALD J. TRUMP, in his official capacity as President of the United States; DEPARTMENT OF HOMELAND SECURITY; DEPARTMENT OF STATE; OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; JOHN F. KELLY, in his official capacity as Secretary of Homeland Security; REX W. TILLERSON, in his official capacity as Secretary of State; DANIEL R. COATS, in his official capacity as Director of National Intelligence,

*Defendants – Appellants.*

On Appeal from the United States District Court  
for the District of Maryland, No. 17-cv-00361 (Chuang, J.)

**UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE*  
INTERFAITH COALITION IN SUPPORT OF APPELLEES,  
AFFIRMANCE, AND OPPOSING MOTION FOR A STAY PENDING  
EXPEDITED APPEAL**

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**UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE*  
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All parties have consented to the filing of a brief on behalf of Amici Curiae Interfaith Coalition. In an abundance of caution, Amici respectfully move the Court to grant leave to file the brief filed separately herewith in support of affirmation of the decision below and denial of Appellant's motion for a stay pending expedited appeal.

Amici are a coalition of individuals and organizations of diverse religions. Although they profess different faiths, they are united in the belief that religious tolerance is critical to the safety and wellbeing of our local and national community. Section 2(c) of President Trump's Executive Order No. 13,780 (March 6, 2017) ("Executive Order"), which by its plain language, structure, and intent, discriminates on the basis of religion, is anathema to this core tenet that all members of our coalition share.

Amici include:

- Congregation B'nai Jeshurun
- The Muslim Public Affairs Council
- The National Council of Churches
- The Right Reverend Sally Dyck
- The Right Reverend Andrew Dietsche
- The Right Reverend Allen K. Shin
- The Right Reverend Mary D. Glasspool
- Imam Abdul Malik Mujahid

- The Sikh Coalition
- The Right Reverend Lawrence C. Provenzano
- The Right Reverend Marc Handley Andrus
- Rabbi Joy Levitt
- Reverend Curtis W. Hart
- Congregation Beit Simchat Torah
- Rabbi Sharon Kleinbaum
- Reverend Timothy B. Tutt
- Rabbi Joel Mosbacher
- Rabbi Frederick Reeves
- Rabbi Peretz Wolf-Prusan
- Rabbi Noa Kushner
- Union Theological Seminary
- Rabbi John Rosove
- United Methodist Women
- Rabbi James Ponet
- The Hyde Park & Kenwood Interfaith Council
- Rabbi Michael Strassfeld
- IKAR
- Rabbi Sharon Brous
- Reverend Jeannette DeFriest
- Rabbi Amichai Lau Lavie
- Imam Suhaib Webb
- Rabbi Ayelet Cohen
- Hyattsville Mennonite Church
- Women's Alliance for Theology, Ethics, and Ritual
- Reverend Julie Windsor Mitchell

Amici Curiae Interfaith Coalition's participation in the case will provide argument relevant to the Establishment Clause claim at issue in this appeal and the motion for a stay. The brief demonstrates how Section 2(c) of the revised Executive Order selectively targets six Muslim-majority nations for the travel ban. The Executive Order expressly states that the Department of State's Country Reports on Terrorism 2015 (June 2016) ("Report") informs the selection of which

countries to include in the travel ban. The Report, however, describes at least two Christian-majority countries (Venezuela and the Philippines) as allegedly satisfying criteria that the Executive Order purports to apply to determine which countries to include in the ban. Despite the alleged terrorism risks in these countries that are outlined in the Report, these Christian-majority countries are not included in the “Muslim-only” ban.

This analysis, by itself, establishes a violation of the Establishment Clause. At the very least, this selective burdening of one nation over another opens the door to consideration of the intent of the drafter of the travel ban.

In their appeal, Appellants argue that the district court erred in holding that Section 2(c) violates the Establishment Clause. *See Br. for Appellants at 35–53, ECF No. 36.* Appellants argue the same in the motion for a stay pending expedited appeal. *See Mot. of Defs.-Appellants for Stay at 15–18, ECF No. 35.* Accordingly, the proposed brief on behalf of Amici Curiae Interfaith Coalition is relevant to both the appeal and the motion for a stay pending expedited appeal.

## **CONCLUSION**

For the foregoing reasons, the Interfaith Coalition respectfully requests that the Court grant the unopposed motion for leave to file the brief filed concurrently herewith.

DATED: March 29, 2017

Respectfully submitted,

By /s/ Kevin B. Collins

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 29, 2017, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

COVINGTON & BURLING LLP

By: /s/ Kevin B. Collins  
KEVIN B. COLLINS